

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

J. BRUCE ALVERSON, ESQ.
Nevada Bar No. 1339

KARIE N. WILSON, ESQ.
Nevada Bar No. 7957

ALVERSON TAYLOR & SANDERS
6605 Grand Montecito Pkwy, Ste. 200
Las Vegas, NV 89149
702-384-7000 Phone
702-385-7000 Fax

MATTHEW G. COOGAN (*pro hac vice* application pending)
mcoogan@lswlaw.com

JOHN S. SIFFERT (*pro hac vice* application pending)
jsiffert@lswlaw.com

BRICE JASTROW (*pro hac vice* application pending)
bjastrow@lswlaw.com

LANGLER SIFFERT & WOHL LLP
500 Fifth Avenue
New York, NY 10110
(212) 921-8399

Attorneys for Respondent Jing Cao

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re Ex Parte Application of

EVENSTAR MASTER FUND SPC for and on
Behalf of EVENSTAR MASTER SUB-FUND
I SEGRAGATED PORTFOLIO; and
EVENSTAR SPECIAL SITUATIONS
LIMITED,

Applicants,

For an Order Pursuant to 28 U.S.C. 1782 to
Obtain Discovery from JING CAO MO for
Use in a Foreign Proceeding

Case No.: 2:20-cv-02333-KJD-BNW

**RESPONDENT JING CAO'S
MOTION TO QUASH
SUBPOENAS ISSUED BY EVENSTAR
MASTER FUND SPC AND EVENSTAR
SPECIAL SITUATIONS LIMITED
PURSUANT TO 28 U.S.C. § 1782**

Jing Cao brings this motion pursuant to Rule 45 of the Federal Rules of Civil Procedure
to quash subpoenas for documents and deposition testimony served on her by Evenstar Master
Fund SPC and Evenstar Special Situations Limited (together, "Evenstar") pursuant to the Court's

1 January 14, 2021 order granting Evenstar’s *ex parte* application for authority to issue subpoenas
2 (ECF No. 10). This motion is based on the following memorandum of points and authorities,
3 which, for brevity and clarity, refers to and incorporates by reference Ms. Cao’s separate
4 Memorandum of Points and Authorities in Opposition to Petitioner’s Motion to Compel
5 Compliance with Subpoenas *Duces Tecum* and *Ad Testificandum* (the “Opposition
6 Memorandum”) (ECF No. 31); the declarations submitted therewith (ECF Nos. 32 (Declaration
7 of Jing Cao (the “Cao Declaration”)), 33 (Declaration of Hector Robinson QC (the “Robinson
8 Declaration”)), and 34 (Declaration of Matthew G. Coogan (the “Coogan Declaration”)); the
9 prior papers filed in this action; and any oral argument that this Court may permit.

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MEMORANDUM OF POINTS AND AUTHORITIES

On April 8, 2021, Evenstar moved to compel Jing Cao, a non-party to the underlying Cayman Islands proceedings and the wife of Vincent Tianquan Mo, a party to the Cayman case, to produce third-party discovery pursuant to 28 U.S.C. § 1782 (the “Motion to Compel”) (ECF No. 18). On May 7, 2021, Ms. Cao filed her Opposition Memorandum and accompanying declarations. (ECF Nos. 31–34.)

Pursuant to the parties’ stipulated briefing schedule “so ordered” by the Court on April 23, 2021 (ECF No. 24), Ms. Cao submits this separate motion to quash seeking an order quashing Evenstar’s deposition and document subpoenas (the “Subpoenas,” attached as Exhibit A-8 to the Second Declaration Elise S. Faust, dated April 8, 2021 (ECF No. 18-1)). So as not to burden the Court with duplicative briefing, we respectfully refer the Court herein to Ms. Cao’s Opposition Memorandum, the Cao Declaration, the Robinson Declaration, and the Coogan Declaration.

Evenstar’s Subpoenas should be quashed: *First*, Ms. Cao possesses no responsive documents. (Opp’n Mem. at 13; Cao Decl. ¶¶ 14–15.) *Second*, Mr. Cao has no responsive, non-privileged testimony to provide. (Opp’n Mem. at 13–15; Cao Decl. ¶¶ 16–22.) *Third*, to the extent that the Subpoenas seek discovery that is potentially relevant to the underlying Cayman proceedings, they are unduly intrusive and burdensome to Ms. Cao because such discovery can best be obtained directly from the parties to the Cayman proceedings rather than from third-party Ms. Cao. (Opp’n Mem. at 15–17.) *Fourth*, the Subpoenas are vastly overbroad. (*Id.* at 17–19.) *Fifth*, the Subpoenas seek duplicative documents and testimony currently being pursued by Evenstar against other entities in the Southern District of New York. (*Id.* at 19–20.) *Sixth*, in the alternative, the Subpoenas should be modified so as to adjourn them until after responsive

pleadings have been filed and issue has been joined in the Cayman proceedings, thus allowing the Cayman court to determine the proper scope of discovery. (Id. at 20.)

Dated this 7th day of May 2021.

ALVERSON TAYLOR & SANDERS



J. BRUCE ALVERSON, ESQ.

Nevada Bar No. 1339

KARIE N. WILSON, ESQ.

Nevada Bar No. 7957

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LANKLER SIFFERT & WOHL LLP

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BRICE JASTROW, ESQ. (*pro hac application pending*)

500 Fifth Avenue

New York, NY 10110

(212) 921-8399

Attorneys for Jing Cao

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

CERTIFICATE OF ELECTRONIC SERVICE

I certify that on the 7th day of May 2021, service of the above and foregoing
**RESPONDENT JING CAO'S MOTION TO QUASH SUBPOENAS ISSUED BY
EVENSTAR MASTER FUND SPC AND EVENSTAR SPECIAL SITUATIONS LIMITED
PURSUANT TO 28 U.S.C. § 1782** was made by electronically filing a true and correct copy of
the same to each party addressed as follows:

Elise S. Faust
One Manhattan West
New York, NY 10001
212-735-3000 x2519
Email: elise.faust@skadden.com

Eva Y Chan
Skadden, Arps, Slate, Meagher & Flom LLP
One Manhattan West
New York, NY 10001
212-735-3000
Fax: 212-735-2000
Email: eva.chan@skadden.com

Rosa Solis-Rainey
Steve L. Morris
Morris Law Group
801 S. Rancho Dr., Suite B4
LAS VEGAS, NV 89106
702-474-9400
Fax: 702-474-9422
Email: rsr@morrislawgroup.com
Email: sm@morrislawgroup.com

Timothy G Nelson
Skadden, Arps, Slate, Meagher & Flom LLP
One Manhattan West
New York, NY 10001
212-735-3000
Fax: 212-735-2000
Email: timothy.g.nelson@skadden.com



Employee of ALVERSON TAYLOR & SANDERS